

**REMARKS/ARGUMENTS**

Reconsideration and allowance of this application are respectfully requested.

Currently, claims 1-4, 7-11 and 14-26 are pending in this application.

**Rejection Under 35 U.S.C. §§102 and 103**

Claims 1, 4, 8 and 11 were rejected under 35 U.S.C. §102(a) as allegedly being anticipated by Por Paul (US '438). Applicant respectfully traverses this rejection.

For a reference to anticipate a claim, each element must be found, either expressly or under the principles of inherency, in the reference. Each element of the claimed invention is not found in Por Paul. For example, Por Paul fails to disclose or even suggest “a musical performance results comparator for comparing the music performance results data stored in the musical performance results storing area against the reference play data stored in the reference play data storing area; and musical performance final results notification unit for notifying the performer of results obtained by the musical performance results comparator as performance final results,” as required by (amended) claim 1 and its dependents. Independent claim 8 and its dependents require similar (but not necessarily identical) limitations.

Independent claim 1 has thus been amended to include at least some of the features previously recited in (now canceled) claim 6. Similarly, independent claim 8 has been amended to include at least some of the features previously recited in (now canceled) claim 13. Section 4 of the Office Action states “Regarding claims 6 and 13, Por Paul discloses the use of storing a sequence of notes to be retained for later playback

(as defined by Applicant, 'results checking' is broadly interpreted by the Examiner as merely listening to a previously stored music piece, in other words, a user 'checks' his or her recording by listening to playback)." Applicant respectfully submits that this interpretation of claims 6 and 13 (and effectively now claims 1 and 8) is incorrect.

In order to further distinguish over this interpretation, the language now recited in independent claims 1 and 8 relate to a comparator of a sound generation device which compares musical performance results data against reference play data. Accordingly, the device itself which performs the comparison between reference play data and musical performance results data, as opposed to the alleged user-based manual check disclosed by Por Paul. Moreover, independent claim 1 requires a musical performance results notification unit for notifying the performer of the comparison results. Similarly, independent claim 8 requires a musical performance final results notification step of notifying the performer of the comparison results. Clearly, Por Paul's alleged user-based manual check does not teach or suggest such a musical performance final results notification unit or step for providing notification *to* the user.

Accordingly, Applicant respectfully submits that claims 1, 4, 8 and 11 are not anticipated by Por Paul and respectfully request that the rejections of these claims under 35 U.S.C. §102 be withdrawn.

Claims 2, 5-7, 9 and 12-14 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Por Paul in view of Wheaton (US '956). Claims 3 and 10 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Por Paul in view of

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Wheaton and Kageyama et al. (US '171, herein now "Kageyama"). Applicant respectfully traverses this rejection with respect to still pending claims 2-3, 7, 9-10 and 14. All of the above noted claims depend directly or indirectly from independent claim 1 or 8. Accordingly, all of the comments made above with respect to these base independent claims apply equally to these claims. Neither Wheaton nor Kageyama remedies the above noted deficiencies of Por Paul. Accordingly, Applicant respectfully requests that the rejections of these claims under 35 U.S.C. §103 be withdrawn.

#### **New Claims**

New claims 15-26 have been added to provide additional protection for the invention. New claims 15, 17 and 19 are believed to be allowable at least by virtue of their respective dependencies from independent claim 1. Claims 16, 18 and 20 are believed to be allowable at least by virtue of their respective dependencies from independent claim 8. Independent claim 21 requires, *inter alia*, a medium which is detachably attached to a game machine and which comprises a tilt detector. Independent claim 22 and its dependents require, *inter alia*, "comparing the reference play data and the user performance data; and displaying information on the display regarding the user's performance of tilting the housing based on the comparing." Applicant respectfully submits that these new claims are allowable.

#### **Conclusion**


Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes

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that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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